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**VIA ECF**

Honorable Sarah L. Cave  
United States Magistrate Judge  
United States District Court for The Southern District  
500 Pearl Street, Room 1670  
New York, New York 10007-1312

Defendant's sealing request at ECF No. 739 is GRANTED. The documents filed at ECF No. 740 shall remain as visible only to the selected parties.

The Clerk of Court is respectfully directed to close ECF No. 739.

SO ORDERED. 8/21/2023

  
SARAH L. CAVE  
United States Magistrate Judge

Re: *Monterey Bay Military Housing LLC, et al. v. Ambac Assurance Corporation, et al.*,  
No. 19-cv-09193 (PGG) (SLC)

Dear Judge Cave:

Pursuant to Federal Rule of Civil Procedure 5.2(d), Rule I(G)(2) of Your Honor's Individual Practices, this Court's Standing Order No. 19-mc-583, and this Court's ECF Rules & Instructions ("ECF Rules"), Defendant Ambac Assurance Corporation respectfully requests the Court's leave to file under seal Exhibit A to its Letter Motion to compel production of certain documents. The Letter Motion and supporting exhibits were filed contemporaneously with this Letter Motion in accordance with ECF Rule 6.7.

Exhibit A comprises excerpts from Plaintiffs' privilege log. While the privilege log itself has not been subject to any confidentiality designation, the information contained therein is similar to information that Plaintiffs have designated "Confidential" pursuant to the Stipulated Protective Order in this case (Dkts. 135 and 425). Under Paragraph 12.4 of the Protective Order, "[w]ithout written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record . . . any Protected Material." *See* Dkt. 135 ¶ 12.4. Further, Plaintiffs have previously sought and been granted leave to file their privilege log under seal. *See* Dkts. 538, 542. Accordingly, Ambac has filed Exhibit A under seal and available only to Selected Parties in accordance with ECF Rule 6.9.

Ambac will work with Plaintiffs to obtain the required permission to file a redacted version of this document to the extent necessary. In addition, Ambac will serve a full copy of Exhibit A together with the Letter Motion and remaining exhibits thereto on Mr. Daniel Watkins, counsel to Clark Realty Corporation, immediately after filing those documents with the Court. *See* Dkt. 135 ¶ 7.2(h).

The Court's consideration of this request is greatly appreciated.

Respectfully Submitted,

/s/ Daniel M. Kelly

Daniel M. Kelly

**quinn emanuel urquhart & sullivan, llp**

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